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11 Attorneys for Defendants VERIFONE HOLDINGS, INC.,
DOUGLAS G. BERGERON, and BARRY ZWARENSTEIN
12

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 IN RE VERIFONE HOLDINGS, INC.
17 SECURITIES LITIGATION

) Master File No.

) C 07-6140 MHP

) **CLASS ACTION**

18
19 This Document Relates To: All Actions

) **DEFENDANTS' STATEMENT IN LIEU**
) **OF CASE MANAGEMENT STATEMENT**

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21)
) Judge: The Hon. Marilyn H. Patel
22) Courtroom: 15
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1 Defendants VeriFone Holdings, Inc. (“VeriFone”), Douglas G. Bergeron, and Barry
 2 Zwarenstein (collectively, the “Defendants”) submit this Statement in Lieu of Case Management
 3 Statement in response to the Clerk’s Notice of an Initial Case Management Conference, scheduled for
 4 March 17, 2008.

5 Pending before this Court are eight class actions (the “Actions”)¹ brought on behalf of
 6 persons who purchased the securities of VeriFone Holdings, Inc. (“VeriFone”) at various dates through
 7 December 3, 2007.² *Eichenholtz v. VeriFone Holdings, Inc., et al.*, CV 07-6140 MHP, was filed on
 8 December 4, 2007, and was the first of the various class action lawsuits filed. (Docket No. 1.) On that
 9 same day, the Court in *Eichenholtz* entered a standard ADR Scheduling Order setting a Case
 10 Management Conference for March 17, 2008, with a Case Management Statement due on March 10,
 11 2008. (Docket No. 2.)

12 Thereafter, several other class action complaints were filed, and these cases were
 13 consolidated by the Stipulation and Order entered on February 5, 2008. (Docket No. 54.)

14 On February 4, 2008, various Plaintiffs in the instant action filed motions to, *inter alia*,
 15 appoint lead plaintiff and lead counsel. On February 13, 2008, the Court rescheduled the hearing on
 16 Plaintiffs’ motions for appointment of lead plaintiff and lead counsel from March 10, 2008 to March 17,
 17 2008. Plaintiffs filed further briefing on the matter on February 15, February 19 and February 25, 2008.

18 Because (i) the Court’s December 4, 2007 Order setting a case management conference
 19 schedule predated the consolidation of the Actions, (ii) a consolidated class action complaint has not
 20 been filed, (iii) lead plaintiff and lead counsel have not yet been selected by the Court, and (iv) a hearing
 21 on these matters is currently set for March 17, 2008, the Defendants respectfully submit that a Case
 22 Management Statement is due.

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 25
 26 ¹ At the time the Actions were consolidated, there were nine actions. However, Plaintiffs in
 27 *Vaughn et al. v. VeriFone Holdings, Inc. et al.*, CV 07-6197, voluntarily dismissed their
 28 Complaint on March 7, 2008. (Docket No. 106.)

² The various complaints specify different Class Periods, with the longest proposed Class Period
 being August 31, 2006 through December 3, 2007.

1 Management Conference to discuss a Case Management Order is premature and should be deferred to a
2 later date, at which time the Court can address the status of all the Actions.

3 Date: March 10, 2008

4 /s/ Brendan P. Cullen

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